



FAIR POLITICAL PRACTICES COMMISSION

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July 7, 2011

✓ Cathy Hackett
Cathy Hackett for CalPERS Board Seat 1A (1317064)

REDACTED

Warning Letter Re: FPPC Case No. 100621; Cathy Hackett/Cathy Hackett for CalPERS Board Seat 1A

Dear Ms. Hackett:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. The results of the audit of the referenced committee, mandated by the California Government Code, have been referred to this Division. The audit covered the period January 1, 2009 through December 31, 2009. A copy of the report is enclosed for your information.

The report contained the following findings: (1) online reports were not filed for 22 contributions of \$1,000 or more received during the election cycle; (2) two contributors were not identified on the campaign statements, and (3) three payees were not identified on the statements. Please be advised that Section 85309 of the Act spells out the online reporting requirements for a committee that has reached the electronic filing threshold. Section 84211 specifies when contributions and expenditures must be itemized on the campaign statements.

The audit report findings are violations of the Act. However, all of the unreported contributors and payees occurred in the post-election statement period. Additionally, the Secretary of State's online system, Cal-Access, was not able to display campaign statements filed by CalPERS candidates. Discussions with that office may have led the filer to erroneously believe that election cycle reports could not be displayed either. Therefore we have decided to close this case with a warning letter.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the FPPC. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact Program Specialist William Marland with any questions you may have regarding this letter.

Sincerely,

REDACTED

Sue Straine
Chief Investigator
Enforcement Division

Enclosure